



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; National Practitioner Data Bank: Modification of the National Practitioner Data Bank Code Lists

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Request for public comment on the National Practitioner Data Bank's (NPDB) Basis for action code lists for licensure and certification actions.

SUMMARY: HRSA, a sub-agency of the Department of Health and Human Services, is announcing a change in the NPDB Basis for Action Code Lists for Federal Licensure, and State Licensure or Certification Actions to individuals and entities authorized to report and request information from the NPDB. These changes will contain updated codes and code use guidance applicable to organizations submitting Federal Licensure, or State Licensure or Certification Actions. The code modifications and guidance are intended to provide improved report accuracy and promote a better understanding of the use and application of the basis of action codes available for report submission. The modifications are based in part upon recommendations made through a collaborative effort with NPDB industry partners: the Federation of State Boards of Physical Therapy, the National Council of State Boards of Nursing, the Federation of State Medical Boards, the Association of State and Provincial Psychology Boards, the National Board for Certification in Occupational Therapy, the Association of Social Work Boards, and the National Association of Boards of Pharmacy. Basis for Action codes help to accurately describe the basis for licensure actions reported. Basis for Action codes have no impact on the licensure action reported or the applicability of NPDB reporting criteria. New, modified, and retired codes

have no impact on historical reporting. The coding of previously submitted reports will remain unchanged.

DATES: Submit comments no later than **[INSERT 30 DAYS AFTER PUBLICATION DATE]**.

ADDRESSES: Written and/or electronic comments should be submitted to NPDBPolicy@hrsa.gov by **[INSERT 30 DAYS AFTER PUBLICATION DATE]**.

FOR FURTHER INFORMATION CONTACT: David Loewenstein, Director, Division of Practitioner Data Bank, Bureau of Health Workforce, HRSA, (301) 443-2300, NPDBPolicy@hrsa.gov.

SUPPLEMENTARY INFORMATION: The current published NPDB Code Lists are available on the NPDB Website: <https://www.npdb.hrsa.gov/hcorg/codes.jsp>

The NPDB is authorized by the Health Care Quality Improvement Act of 1986 (the Act), Title IV of Public Law 99-660, as amended (42 U.S.C. 11101 *et seq.*). Further, two additional statutes expanded the scope of the NPDB—Section 1921 of the Social Security Act, as amended (42 U.S.C. 1396r-2) and Section 1128E of the Social Security Act, as amended (42 U.S.C. 1320a-7e). Information collected under the Section 1128E authority was consolidated within the NPDB pursuant to Section 6403 of the Affordable Care Act, Public Law 111-148; this consolidation became effective on May 6, 2013.

Proposed NPDB Code Lists Modifications

Table Key:

☐ Table # and name as it appears in published NPDB Code Lists

☐ Code # as it appears in published NPDB Code Lists. NOTE: Code number is subject to change with the next published version

☐ Status: Unchanged (U), Modified (M), Retired (R), New (N)

☐ Current Code Description

☐ New or Modified Code Description

☐ Guideline: a new category of information to help explain the code

☐ Code use examples and explanations: a new category of information to show how to apply the code

Table	Code	Status	Current Code Description	New/Modified Code Description	Guideline or Explanation of Status Change	Code Use Examples and Explanations
Non-Compliance with Requirements						
48	44	U	Default on Health Education Loan or Scholarship Obligations		Fails to meet health education loan or scholarship obligations	Explanation: Use only if your state has this requirement
48	35	U	Drug Screening Violation		Fails a drug screening test	Examples: <ul style="list-style-type: none"> • Failure of a required drug screen or failure to comply with the requested drug screen • Sample is adulterated, invalid or substituted • Failure of a drug screen for employment
48	A2	U	Failure to Comply With Continuing Education or Competency Requirements		Fails to meet the continuing education or competency requirements for renewal or reinstatement	Examples: <ul style="list-style-type: none"> • Failure to complete state requirements • If the licensee falsified meeting the requirements, then also use Code E3

48	31	M	Failure to Comply With Health and Safety Requirements	Failure to comply with health and safety requirements or state health code	Fails to comply with federal, state, local, or institutional safety requirements or state health codes	<p>Examples:</p> <ul style="list-style-type: none"> • Failure to meet required health tests or inoculations <p>DO NOT use for:</p> <ul style="list-style-type: none"> • Violation of infection control, sterile technique, and isolation requirements; instead use Code 17
48	23	U	Failure to Cooperate With Board Investigation		Interferes with an investigation or disciplinary proceeding by withholding information, deliberate misrepresentation of facts or attempts to suppress evidence	<p>Examples:</p> <ul style="list-style-type: none"> • Failure to respond or to respond adequately to board investigation requests • Failure to cooperate with the board as a witness to an investigation
48	50	M	Failure to Maintain Adequate or Accurate Records	Failure to Maintain or Provide Adequate or Accurate Medical Records, Financial Records or Other Required Information	Fails to meet documentation requirements for maintaining patient care, financial or other records	<p>Example:</p> <ul style="list-style-type: none"> • Failure to provide adequate documentation of treatment/care in the medical record
48	45	R	Failure to Maintain Records or Provide Medical, Financial or Other Required Information		Redundant code, use code 50	
48	A3	R	Failure to Meet Licensing Board Reporting Requirements		Use code A1	

						<p>Examples:</p> <ul style="list-style-type: none"> • Failure to meet board requirements other than threshold licensure requirements • Failure to provide information required by the board (e.g., criminal conviction, loss of job due to unprofessional conduct, disciplinary action in another jurisdiction, change of address etc.) • Failure to report any renewal and reinstatement requirements • Failure to report another health care professional as required by mandatory reporting obligations <p>DO NOT use for:</p> <ul style="list-style-type: none"> • Failure to meet threshold criteria: the accepted minimum licensure requirements that are universally applied without decision or exception. Examples include academic degrees, criminality, certifications, or training hours or requirements • Continuing Competency requirements; instead use Code A2 • Obtaining a license but failing to disclose required information on the application; instead use Code E4
48	A1	M	Failure to Meet the Initial Requirements of a License	Failure to Meet Licensure Requirements / Licensing Board Reporting Requirements	Fails to meet board specified licensing requirements or provide requested/ required information. NOTE: Do not report or include threshold criteria: the accepted minimum licensure requirements that are universally applied without decision or exception. Examples include academic degrees, criminality, certifications, or training hours or requirements	
48	37	M	Failure to Pay Child Support/Delinquent Child Support	Failure to Pay or Delinquent with Child Support	Fails to meet child support responsibilities	Explanation: Use only if your state has this requirement
48	39	M	License Revocation, Suspension or Other Disciplinary Action Taken by a Federal, State or Local Licensing Authority	Disciplinary Action Taken by another Federal, State or Local	Grounds for action are based on action(s) taken by another state licensing, federal, or other authority	<p>Examples:</p> <ul style="list-style-type: none"> • A licensee is licensed in another jurisdiction and has final disciplinary action by that authority <p>DO NOT use for:</p>

				Licensing Authority		• Your own jurisdiction's disciplinary action
48	29	U	Practicing Beyond the Scope of Practice		Provides care not permitted under the terms of a license or within the licensee's level of education, training, knowledge, skills, experience, or demonstrated competency	<p>Examples:</p> <ul style="list-style-type: none"> • Performing practice interventions, whether advanced or not, without required license, certification or training • Failure to work with adequate/required supervision. DO NOT use for • Substandard or Inadequate Care for incompetence issues; instead use Code F6 • Negligence for not exercising reasonable judgement; instead use Code 13
48	24	U	Practicing With an Expired License		Fails to renew license and continues to practice	<p>Example:</p> <ul style="list-style-type: none"> • Failure to renew license intentionally or unintentionally and continues to practice <p>DO NOT use for:</p> <ul style="list-style-type: none"> • A new graduate who fails the exam and continues to practice under a temporary license which expired on getting exam results; instead use Code A4 • Someone who has had their license revoked and continues to practice; instead use Code A4
48	25	R	Practicing Without a License		Redundant code, use code A4	

49	19	U	Criminal Conviction		Convicted of a felony or misdemeanor crime	<p>Example:</p> <ul style="list-style-type: none"> • Convicted of a felony or misdemeanor crime <p>Explanation:</p> <ul style="list-style-type: none"> • Use this code along with the appropriate code to describe the underlying violation of law • If there is no appropriate code, describe the criminal conviction in the narrative
49	18	U	Deferred Adjudication		Plea that avoids criminal conviction by meeting certain probationary requirements	<p>Explanation:</p> <ul style="list-style-type: none"> • Deferred adjudication involves probation, treatment programs, and/or some type of community supervision • Use this code along with the appropriate code to describe the underlying violation of law • If there is no appropriate code, describe the violation in the narrative
49	B1	U	Nolo Contendere Plea		Plea of no contest, same consequence as a guilty plea	
49	I1	U	Diverted Conviction		Pre-trial sentencing that avoids criminal conviction by completing a court ordered intervention program	<p>Explanation</p> <ul style="list-style-type: none"> • Pretrial sentencing includes participating in a treatment or rehabilitation program • Use this code along with the appropriate code to describe the underlying violation of law • If there is no appropriate code, describe the violation in the narrative
Confidentiality, Consent or Disclosure Violations						
50	C3	U	Breach of Confidentiality		Releases or obtains patient information without appropriate authorization	<p>Example:</p> <ul style="list-style-type: none"> • Releasing or obtaining patient information without appropriate authorization

50	C2	U	Failure to Comply With Patient Consultation Requirements		Fails to meet requirements for consultation with other health care providers or refer when appropriate	<p>Examples:</p> <ul style="list-style-type: none"> • Failure to consult with or refer to an appropriate licensee when care is beyond the licensee's level of training, skill, expertise or license • Failure to keep a referring source informed of the patient's progress
50	C1	U	Failure to Obtain Informed Consent		Fails to meet informed consent requirements	<p>Examples:</p> <ul style="list-style-type: none"> • Failure to explain procedures and possible complications • Failure to obtain permission of the patient to evaluate and treat; as well as failure to obtain parental permission for a minor
Misconduct or Abuse						
51	D4	U	Abusive Conduct Toward Staff		Engages in the maltreatment of a colleague or employee which can include mental, physical and/or verbal abuse	<p>Example:</p> <ul style="list-style-type: none"> • Engaging in the maltreatment of a colleague or employee (i.e. mental, physical and/or verbal abuse) <p>DO NOT use for:</p> <ul style="list-style-type: none"> • Sexual abuse; instead use Code D1
51	D7	M	Conduct Evidencing Ethical Unfitness	Conduct Evidencing Ethical or Moral Unfitness	Engages in conduct that is unethical or violates the ethical code of conduct	<p>Examples:</p> <ul style="list-style-type: none"> • Failure to respect the beliefs and values of patient without prejudice • Failure to protect or disregards the rights, health, safety of the patient
51	D6	R	Conduct Evidencing Moral Unfitness		Use Code D7	
51	71	U	Conflict of Interest		Fails to disclose information that presents a conflict of interest	<p>Examples:</p> <ul style="list-style-type: none"> • Failure to-disclose ownership • Failure to provide freedom of choice

51	D5	U	Disruptive Conduct		Engages in conduct which interferes with or disrupts normal operations in the patient care setting or workplace	<p>Example:</p> <ul style="list-style-type: none"> Interferes with or disrupts normal operations in the patient care setting or workplace <p>DO NOT use for:</p> <ul style="list-style-type: none"> Patient abuse; instead use Code 14
51	D3	U	Exploiting a Patient for Financial Gain		Exploits a professional relationship with a patient to benefit financially beyond that which is reasonable for the provision of treatment	<p>Examples:</p> <ul style="list-style-type: none"> Takes advantage of the patient relationship by selling products that are not needed for treatment or could be obtained for a lower price Takes advantage of the patient relationship by inviting them into business opportunities <p>DO NOT use for:</p> <ul style="list-style-type: none"> Excessive or fraudulent billing; instead use Code 55
51	16	U	Misappropriation of Patient Property or Other Property		Uses a patient's or coworker's property or the property of a facility without approval or permission	<p>Example:</p> <ul style="list-style-type: none"> Using or taking a patient's or coworker's property or the property of a facility without approval or permission <p>Explanation:</p> <ul style="list-style-type: none"> Also use Code 19 Criminal Conviction if there has been a criminal conviction <p>DO NOT use for:</p> <ul style="list-style-type: none"> Diverting medications from a patient; instead use Code H6
51	D2	M	Non-Sexual Dual Relationship or Boundary Violation	Non-Sexual Boundary Violation	Engages in a non-sexual relationship, behavior or boundary violation that involves exploitation or coercion of a patient or former patient and contains harmful or potentially harmful elements	<p>Examples:</p> <ul style="list-style-type: none"> Excessive personal disclosure, secrecy, reversal of roles or actions that meet the needs of the licensee (borrowing money)

						<ul style="list-style-type: none"> • Non-sexual relationship with a patient's significant other
51	14	U	Patient Abuse		Engages in the maltreatment of a patient which can include mental, physical and/or verbal abuse	Example: <ul style="list-style-type: none"> • Mental, physical and/or verbal abuse of a patient DO NOT use for: <ul style="list-style-type: none"> • Sexual abuse or sexual assault; instead use Code D1
51	D1	U	Sexual Misconduct		Engages in behavior that exploits the practitioner-patient relationship in a sexual way, or engages in workplace sexual harassment such as unwelcome sexual advances or conduct of a sexual nature which interferes with the performance of another person's job or creates an intimidating, hostile, or offensive work environment	Examples: <ul style="list-style-type: none"> • Sexual exploitation of a patient • Workplace sexual harassment • Sexual Assault • Sexual Abuse
51	D8	R	Other Unprofessional Conduct, Specify		Redundant code, covered by other categories, or use code 99	
Fraud, Deception, or Misrepresentation						
52	E6	U	Failure to Disclose		Fails to disclose information that is required by the board	Examples: <ul style="list-style-type: none"> • Failure to disclose criminal or disciplinary history on a license application • Failure to disclose revenues generated from selling equipment or other financial relationships, etc.

						<p>Examples:</p> <ul style="list-style-type: none"> • Failure to provide accurate patient, medical, health, employee, or other records • Documenting treatment that did not occur <p>Explanation: Use this code in conjunction with A2 Failure to Comply with Continuing Education or Competency Requirements for falsifying licensee continuing education or competence records DO NOT use for:</p> <ul style="list-style-type: none"> • False billing for care/treatment; instead use Code 56
52	E3	U	Filing False Reports or Falsifying Records		Fabricates patient, medical, health, employee, or other records	
52	5	R	Fraud - Unspecified		Redundant code, covered by other fraud codes	
52	E4	U	Fraud, Deceit or Material Omission in Obtaining License or Credentials		Provides false, altered or omitting documents and information when applying for licensure	<p>Examples:</p> <ul style="list-style-type: none"> • Provides false documentation in licensure application materials (transcript, letters, etc.) • Failure to disclose prior disciplinary action or criminal conviction on application • Falsifies testing materials (cheating, trafficking, etc.)
52	55	M	Improper or Abusive Billing Practices	Improper Billing Practices	Knowingly or intentionally bills improperly	<p>Examples:</p> <ul style="list-style-type: none"> • Knowingly uses incorrect treatment or billing codes • Charges unreasonable fees • Intentionally overbills <p>DO NOT use for:</p> <ul style="list-style-type: none"> • Conviction of insurance fraud; instead use Code E1

52	E1	U	Insurance Fraud (Medicare, Medicaid or Other Insurance)		Convicted of Medicare, Medicaid or other insurance fraud	<p>Examples:</p> <ul style="list-style-type: none"> • Convicted of Medicare, Medicaid or other insurance fraud <p>Explanation:</p> <ul style="list-style-type: none"> • Use in conjunction with Code 19 Criminal Conviction
52	E5	U	Misleading, False or Deceptive Advertising or Marketing		Uses misleading, false or deceptive advertising or marketing related to services, treatment, procedures or care	<p>Example:</p> <ul style="list-style-type: none"> • False or misleading advertising related to license <p>DO NOT use for:</p> <ul style="list-style-type: none"> • Failure to correctly identify credentials; instead use Code 81
52	81	U	Misrepresentation of Credentials		Fails to properly identify oneself with regards to education, training, knowledge, experience, or skills	<p>Example:</p> <ul style="list-style-type: none"> • Failure to properly identify education, training, knowledge, experience, or skills
52	E2	U	Providing or Ordering Unnecessary Tests or Services		Orders or provides unnecessary tests, procedures, treatment or services	<p>Examples:</p> <ul style="list-style-type: none"> • Overutilization of tests/services • Providing unnecessary treatment
52	56	U	Submitting False Claims		Requests reimbursement for services that did not occur or does not reflect the actual treatment provided	<p>Example:</p> <ul style="list-style-type: none"> • Intentionally billing for interventions/care that did not occur <p>DO NOT use for:</p> <ul style="list-style-type: none"> • Conviction for insurance fraud; instead use Code E1 • Documenting treatments/care that did not occur or falsifying patient records; instead use Code E3
Unsafe Practice or Substandard Care						
53	F8	U	Failure to Consult or Delay in Seeking Consultation With Supervisor/Proctor		Fails to provide or delaying proper consultation with supervisor or proctor	<p>Example:</p> <ul style="list-style-type: none"> • Failure to consult with or report to a supervisor/ordering health care provider/proctor

53	53	R	Failure to Provide Medically Reasonable and/or Necessary Items or Services		Redundant code, use code 13	
53	F1	M	Immediate Threat to Health or Safety	Immediate Threat to Public.	Presents an immediate risk to health or safety; Board uses emergency measures to remove a practitioner from practice.	<p>Examples:</p> <ul style="list-style-type: none"> • Emergency or summary suspension of a license <p>Explanation:</p> <ul style="list-style-type: none"> • Use in combination with a code that best describes the violation
53	17	U	Inadequate or Improper Infection Control Practices		Fails to conform to recognized standards or orders for infection control	<p>Example:</p> <ul style="list-style-type: none"> • Failure to follow policies or procedures for infection control, sterile technique or isolation requirements <p>DO NOT use for:</p> <ul style="list-style-type: none"> • Failure to comply with federal, state, local or institutional safety requirements or state health codes; instead use Code 31
53	FA	U	Inappropriate Refusal to Treat		Refuses to treat a patient due to religious, moral or other reasons	<p>Example:</p> <ul style="list-style-type: none"> • Refusal to treat a patient due to religious, moral or other reasons
53	11	R	Incompetence		Redundant code, use F1 or F6	
53	12	R	Malpractice		Redundant code, use specific reason associated with malpractice	
53	13	U	Negligence		Fails to exercise the skill, care and learning expected of a reasonably prudent health care provider	<p>Example:</p> <ul style="list-style-type: none"> • Failure to exercise reasonable judgment <p>DO NOT use for:</p> <ul style="list-style-type: none"> • Competence issue; instead use Code F6

					Terminates care without adequate notice of the professional relationship between a health care provider and a patient/client at a time when the patient needs further care	Example: • Deserts or neglects a patient with whom there is an established provider-patient relationship without making reasonable arrangements for the continuation of care and without reasonable notice.
53	F9	U	Patient Abandonment			
53	15	R	Patient Neglect		Redundant code, use 13	
53	F6	M	Substandard or Inadequate Care	Substandard Care or Inadequate Skill Level	Fails to meet clinical standards of practice, unable to practice competently or practicing with insufficient skill	Example: • Failure to provide competent care DO NOT use for: • Practicing beyond level of training; instead use Code 29
53	F7	R	Substandard or Inadequate Skill Level		Redundant code, use code F6	
53	F5	R	Unable to Practice Safely		Redundant code, use code F2, F3, or F4	
53	F2	M	Unable to Practice Safely by Reason of Alcohol or Other Substance Abuse	Unable to Practice Safely by Reason of Substance Use	Unable to practice safely by reason of substance use	Example: • Failure/inability to practice safely by reason of substance use
53	F4	M	Unable to Practice Safely by Reason of Physical Illness or Impairment	Unable to Practice Safely by Reason of Physical Impairment	Unable to practice safely by reason of physical impairment	Example: • Failure/inability to practice safely by reason of physical impairment
53	F3	M	Unable to Practice Safely by Reason of Psychological Impairment or Mental Disorder	Unable to Practice Safely by Reason of Psychological Impairment	Unable to practice safely by reason of psychological impairment	Example: • Failure/inability to practice safely by reason of psychological impairment

55	H6	U	Inappropriate Acquisition or Diversion of Controlled Substance		Diverts prescription medication from a patient or a healthcare facility with intent to sell, distribute or consume for personal misuse	Example: <ul style="list-style-type: none"> • Removing a prescribed medication from a patient's inventory, unused portion, waste, trash or healthcare facility inventory for self or someone other than the patient
55	H5	U	Error in Prescribing, Dispensing or Administering Medication or Sedation		Makes an error when prescribing, dispensing, or administering medications	Examples: <ul style="list-style-type: none"> • Giving the wrong medication • Giving medication to the wrong patient • Giving the wrong dosage of medication • Improper storage of medication
55	H1	M	Narcotics Drug Violation or Other Violation of Drug Statutes	Drug Violation or Other Violation of Drug Statutes	Controlled substance violation regardless of conviction	Examples: <ul style="list-style-type: none"> • Controlled substance violation regardless of conviction Explanation: <ul style="list-style-type: none"> • If there is a conviction, also use Code 19 Criminal Conviction
55	H4	U	Inappropriate or Unauthorized Administration of Medication or Sedation		Administers medications improperly or without the appropriate prescription or medication order.	Example: <ul style="list-style-type: none"> • Failure to administer medications properly or without the appropriate prescription/order
55	H3	U	Inappropriate or Unauthorized Dispensing of Medication		Dispenses medication improperly or without the appropriate authorization.	Example: <ul style="list-style-type: none"> • Failure to obtain authorization or prescription to dispense medication
55	H2	U	Inappropriate or Unauthorized Prescribing of Medication		Improper prescribing or attempting to prescribe without authority or altering medication order	Examples: <ul style="list-style-type: none"> • Forging signature on order/prescription. • Altering an order/prescription • Failure to obtain prescriber authorization or signature
Other						
56	99	U	Other - Not Classified, Specify,		Use only if no other code is applicable	

Diana Espinosa,

Acting Administrator.

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